

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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DRAMANE FOFANA,

Plaintiff,

-vs-

9:15-CV-188

CAPTAIN H. MOSS, et al.,

Defendants.

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**Thomas J. McAvoy,  
United States District Judge**

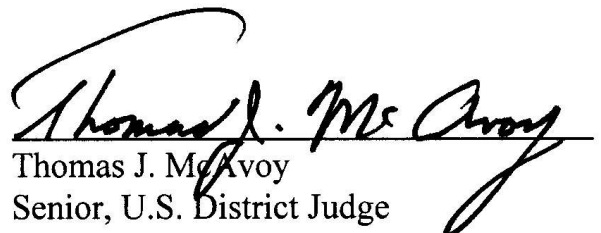
**DECISION and ORDER**

This matter was referred to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the March 4, 2016 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

Accordingly, the Report and Recommendation of Magistrate Judge Wiley Dancks, dkt. # 25, is hereby **ADOPTED**, and Defendants' motion for summary judgment, dkt. # 20, is hereby **DENIED**.

**IT IS SO ORDERED.**

Dated: March 29, 2016

  
Thomas J. McAvoy  
Senior, U.S. District Judge